IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No: 5133 of 2005

Between:

1 Union of India, Rep. by the General Manager,
S.C. Railway, Rail Nilayam, Secunderabad.
2 The Divisional Railway Manager, S.C. Railway Vijayawada Division,
Vijayawada, Krishna District.
3 The Senior Divisional Personnel Officer, S.C.Railway Vijayawada Division,
Vijayawada, Krishna District.

..... PETITIONERS

AND

1 M.Suresh Kumar, S/o. Purushotham
Vijayawada, Krishna District.
2 L.Seetharamaiah S/o.Venmkateswara Rao
Vijayawada, Krishna District.
3 B.Appala Reddy, S/o.Satyam Reddy,
Vijayawada, Krishna District.
4 S.Srinivasa Rao, S/o.S.V.Ramanaiah
Vijayawada, Krishna District.
5 K.Satyanarayana, S/o.K.Nageswara Rao
Vijayawada, Krishna District.
6 K.Satyanarayana, S/o.K.Nageswara Rao
Vijayawada, Krishna District.

7 U.Kanakaraju S/o.U.Vankaiah
Vijayawada, Krishna District.
8 M.Rangarajan, S/o.M.K.Raman
Vijayawada, Krishna District.
9 K.Anjaneyulu, S/o.K.Ramulu
Vijayawada, Krishna District.
10 Sk.John Basha, S/o.Sk.Khaja Sabeb
Vijayawada, Krishna District.
11 M.Kanakarao, S/o.M.Ramaiah
Vijayawada, Krishna District.
12 Syed Khader, s/o.Sd. Masthan
Vijayawada, Krishna District.

(All the Respondents are Travelling Ticket Examiners/ Sleepers, O/o. Chief Ticket Inspector, South Central Railway, Vijayawada, Krishna District).

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Certiorari by calling for the order dt.27.12.2004 in O.A.No.1318/2004 on the file of Central Administrative Tribunal, Hyderabad and quash the same and declare the same as illegal, arbitrary, capricious and unconstitutional.

Counsel for the Petitioners: MR.T.S.VENKATARAMANA

Counsel for the Respondents: MRK.R.K.V. PRASAD

The Court made the following:

ORAL ORDER:- (PER GB,J.)

The Writ Petition is filed by the Railways challenging the order, dated 27.12.2004, passed by the Central Administrative Tribunal, Hyderabad Bench, in O.A.No.1318 of 2004.

2. The principal grievance of the Railways is that without properly hearing the Railways and without granting sufficient time to file counter, the O.A. was disposed of at the admission stage. It is also stated that the affected parties were also not made as parties. Hence, the order of the Tribunal is liable to be set aside and the matter is required to be remitted to the Tribunal for fresh consideration on merits after giving sufficient opportunity to the Railways and other affected parties.

3. Learned counsel for the respondents submits that the counter was not filed in

spite of the opportunity given to the Railways.

4. We are afraid we cannot accept the contention raised by the learned counsel for the respondents.

5. We find that sufficient opportunity was not given to the Railways, that apart the affected parties are not made as parties, and this Court is also informed that similar O.As. are still pending in respect of other divisions.

6. Under those circumstances, we are inclined to set aside the impugned order and remit the same to the Tribunal for fresh consideration along with connected batch of O.As. The Tribunal shall grant appropriate opportunity to the petitioners and also direct the applicants before the Tribunal to implead the affected parties also.

7. Accordingly, the Writ Petition is disposed of. No costs.

8. Since the learned counsel for the respondents submits that the matter should not take much time, as it is covered by the decision of the Supreme Court, we direct the Tribunal to dispose of the O.As. as expeditiously as possible, within a period of six weeks from the date of receipt of a copy of this order.

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G. BIKSHAPATHY, J

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P.S. NARAYANA, J

Date: 11.04.2005

ES/PRV

NOTE:- Issue C.C. by 15.04.2005

B/o.

ES/PRV

To

1 The General Manager, Union of India,
S.C. Railway, Rail Nilayam, Secunderabad.
2 The Divisional Railway Manager, S.C. Railway Vijayawada Division,
Vijayawada, Krishna District.
3 The Senior Divisional Personnel Officer, S.C.Railway Vijayawada Division,
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4 2 CD copies

5 1 CC to MR.VENKATARAMANA